

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION  
MARCH 2023 SESSION

UNITED STATES OF AMERICA

v.

NICHOLAUS FRANCOIS WINES

Criminal No. 7:23cr12

**INDICTMENT**

**In Violation of:**

21 U.S.C. § 841(a)(1)

18 U.S.C. § 924(c)

18 U.S.C. § 922(g)(1)

**COUNT ONE**

The Grand Jury charges that:

1. On or about November 19, 2021, in the Western District of Virginia, the defendant, NICHOLAUS FRANCOIS WINES, did knowingly and intentionally possess with the intent to distribute 50 grams or more of methamphetamine, its salts, isomers, and salts of its isomers, a Schedule II controlled substance and 500 grams or more of a mixture and substance containing a detectable amount of methamphetamine, a Schedule II controlled substance.

2. All in violation of Title 21, United States Code, §§ 841(a)(1) and (b)(1)(A).

**COUNT TWO**

The Grand Jury further charges that:

1. On or about November 19, 2021, in the Western District of Virginia, the defendant, NICHOLAUS FRANCOIS WINES, did knowingly use and carry a firearm during and in relation to, and did possess a firearm in furtherance of, a drug trafficking crime for which he may be prosecuted in a court of the United States, that is possession with intent to

distribute methamphetamine, in violation of Title 21, United States Code, §§ 841(a)(1), as alleged in Count One of this Indictment.

2. All in violation of Title 18, United States Code, § 924(c)(1)(A)(i).

### **COUNT THREE**

The Grand Jury further charges that:

1. On or about November 19, 2021, in the Western District of Virginia, the defendant, NICHOLAUS FRANCOIS WINES, knowing that he had been previously convicted of a crime punishable by imprisonment for a term exceeding one year, did knowingly possess a firearm, to wit, a FN 5-7 pistol, said firearm having been shipped and transported in interstate or foreign commerce.

2. All in violation of Title 18, United States Code, Sections 922(g)(1).

### **NOTICE OF FORFEITURE**

1. Upon conviction of one or more of the felony offenses alleged in this Indictment, the defendants shall forfeit to the United States:

- a. any property constituting, or derived from, any proceeds obtained, directly or indirectly, as a result of said offenses, pursuant to 21 U.S.C. § 853(a)(1).
- b. any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of said offenses, pursuant to 21 U.S.C. § 853(a)(2).
- c. any firearm used or intended to be used to facilitate the transportation, sale, receipt, possession, or concealment of controlled substances and/or raw materials, as described in 21 U.S.C. § 881(a)(1) and (2), and any proceeds traceable to such property, pursuant to 21 U.S.C. § 881(a)(11) and 28 U.S.C. § 2461(c).
- d. any firearms and ammunition involved or used in the commission of

said offenses, or possessed in violation thereof, pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c).

2. The property to be forfeited to the United States includes but is not limited to the following property:

**a. U.S. Currency**

- i. \$9,764.00 in U.S. Currency

**b. Firearm and Ammunition**

- i. FN 5-7 pistol (Serial Number: 386391912)
- ii. Ammunition from within the FN 5-7 pistol

3. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States to seek forfeiture of any other property of the defendant up to the value of the above-described forfeitable property, pursuant to 21 U.S.C. § 853(p).

A TRUE BILL this the 2<sup>nd</sup> day of March 2023.

  
CHRISTOPHER R. KAVANAUGH  
UNITED STATES ATTORNEY

s/FOREPERSON  
FOREPERSON